

c.) REMARKS

Claims 9 and 10 have been amended in order to recite the present invention with the specificity required by statute. Additionally, claims 11-14 are amended for proper antecedent basis. No new matter has been added.

Claims 9-14 are rejected under 35 U.S.C. §103(a) as being obvious over Iwasaki (U.S. Patent No. 5,972,493) in view of Taketa (U.S. Patent No. 6,200,680), or in view of Mallik (U.S. Patent No. 4,921,319).

This rejection is respectfully traversed in view of the foregoing amendment taken with the following remarks.

As the Examiner will appreciate, the present application relates to a toy provided by a toy body having a magnetic display and a magnetic pen or stamp for effecting image display. In particular, the magnetic display features an upper transparent flat-sheet member provided with luster. As recited in claim 9, sandwiched between the lustrous upper flat sheet member and a non-magnetic lower flat sheet member is a dispersion medium bearing admixed background pigment and colored magnetic particles. The magnetic pen or stamp produces an image by causing the colored magnetic particles to migrate upwardly towards the lustrous transparent upper member. The image disappears to reveal the background pigment when the particles settle downward away from the lustrous upper member in the absence of the magnetic pen or stamp.

Iwasaki teaches a conventional magnetic display device but does not suggest a toy ^{1/} or an lustrous display, let alone a toy containing an lustrous display.

Takeda teaches a panel employing fine particles of mica coated with a titanium oxide thin film. Takeda does not reach or suggest a magnetically-effectable, erasable image display. In fact, Takeda, as best understood, does not even relate to image display of any kind. Takeda explicitly pertains to zinc oxide-based particles for rubber vulcanization, coating, inks (which are not, Applicant notes, erasable), "colors", glass, catalysts, medicine, pigments, ferrite, etc. (column 1, lines 8-10). The materials can be used in photoreceptors (which do not, Applicant notes, provide visible images and are not, in any event, magnetically-generated), printing and platemaking materials, UV screens and absorbers and gas sensors. Column 1, lines 10-13.

In Takeda, the composition is coated on molded resin articles, glass and paper (column 68, lines 34-36), molded in a plate, sheet, film or fiber (column 70, lines 49-50), blended with paper pulp (column 72, line 53), cosmetics (column 74, line 6). Examples 1-45 (columns 81-105) all relate to fibers, cosmetics and coating films. Examples I-1 to I-10 and II-1 to II-11, etc. relate to films (column 113, lines 43-48 and column 118, lines 5-8, etc.).

The most relevant disclosure of Takeda appears to be providing a coating on glass as noted in column 1. However, there is no disclosure of utilizing such glass in

^{1/} E.g., a novelty intended for amusement or intellectual education.

image display (let alone magnetic image display), nor is there any reason propounded in the prior art, or understood by the skilled artisan, for doing so.

Nevertheless, the Examiner states

it would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the coated titanium oxide mica TiO_2 taught by Takeda et al in Iwasaki et al.'s magnetic display system because this would decorate image with color and protective [sic] the surface of the magnetic display device. (Emphasis added)

Respectfully submitted, there is no bases in fact for this statement. There is nothing of record evidencing any desire in the art to "decorate an image with color" -- nor, for that matter, is there any evidence of record the Examiners combination would do so. The present invention does not "decorate with color"-- instead the present invention desirably sharpens existing color tones so they can be better perceived. Specification page 1, lines 22-26.

Moreover, there is nothing in the record evidencing that display panels need a protective surface, or in fact, that Takeda's mica would provide a harder surface than a conventional display panel.

Respectfully submitted, there is no *prima facie* obviousness.

In view of the above amendments and remarks, Applicant submits that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 9-14 remain presented for continued prosecution.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence S. Perry", is written over a horizontal line.

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